

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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1910

PART V.

CONSTRUCTION OF STATUTES AND  
EXPRESS REPEALS.

CHAPTER 107.

STATUTES.

THE REVISED LAWS AND THEIR EFFECT.

**5505. Former laws not revived—Vested rights not affected.**

Cited in *Town of Kettle River v. Town of Bruno*, 106 Minn. 58, 118 N. W. 63.

**Pending proceedings.**—This section providing for the continuation of pending proceedings includes all proceedings pending when the Revised Laws went into effect, whether related to civil actions or otherwise. *State ex rel. Ruesswig v. McDonald*, 101 Minn. 349, 112 N. W. 278.

**5508. Continuation of former laws.**

**Construction in general.**—The rule for construing revised statutes permits a reference to and examination of prior statutes for the purpose of ascertaining the intent of the Legislature, when the revised statute is ambiguous or susceptible of two constructions. *State v. Stroschein*, 99 Minn. 248, 109 N. W. 235.

See note under section 1534.

Changes made by the revision will not be regarded as altering the law, unless it is clear that such was the intention, and, if the revised statute is ambiguous or susceptible of two constructions, reference may be had to prior statutes for the purpose of ascertaining the intention. *Becklin v. Becklin*, 99 Minn. 307, 109 N. W. 243.

See note under section 4111.

Where the statute, as found in the Revised Laws, is complete in all its details and unambiguous, it must be construed without reference to prior laws. *State v. Hovorka*, 100 Minn. 249, 110 N. W. 870, 8 L. R. A. (N. S.) 1272.

The provision of this section, relating to the construction of provisions of the Revised Laws as continuations of existing statutes, is plain and explicit, and entitled to a reasonable construction, such as will give effect to the intention of the Legislature. *State ex rel. Ruesswig v. McDonald*, 101 Minn. 349, 112 N. W. 278.

See note under section 5505.

Where two inconsistent statutes, relating to the same subject-matter, but passed at different times, are both incorporated into a general revision, the court will, in construing them, inquire as to the date of the respective enactments, and give effect to the latest expression of the Legislature. *State ex rel. Village of Excelsior v. District Court of Hennepin County*, 120 N. W. 894.

See note under section 336.

See, also, *National Protective Legion v. O'Brien*, 102 Minn. 15, 112 N. W. 1050; *Glaser v. Kaiser*, 103 Minn. 241, 114 N. W. 762; *Minnesota Debenture Co. v. Scott*, 106 Minn. 32, 119 N. W. 391.

[5509—]1. **Revised Laws—How printed, etc.—Commission.**—The attorney general, the secretary of state and the state printer are hereby appointed and required to serve as a commission to provide for printing, binding, publishing and distributing the Revised Laws, 1905. ('05 c. 185 § 1)

**Historical.**—“An act to provide for printing, binding, publishing and distributing the Revised Laws, 1905.” Approved April 13, 1905.

Section 2 provides that the Secretary of State shall be the custodian of the copies owned by the state, and shall distribute them among the public officers of the state as said commissioners shall prescribe.

Section 4 appropriates \$10,000 to carry out the provisions of this act, and provides that the commissioners shall serve without compensation.

[5509—]2. **Same—Powers of commission—Copyright.**—The said commissioners may determine whether said Revised Laws shall be published by the state or by a private person, and are authorized to enter into contracts, for and on behalf of the state, for printing, binding, publishing and distributing said Revised Laws; they are authorized to fix the amount for which such Revised Laws shall be sold, but the price shall not exceed five dollars per volume to citizens or residents of the state; they shall cause said Revised Laws, when printed, to be copyrighted for the state, and they shall not sell or transfer the copyright to any person; and if said Revised Laws are published by a private person, said commissioners shall purchase not to exceed one thousand copies for distribution among the public officers of the state and for exchange. ('05 c. 185 § 2)

[5509—]3. **Same—Published laws as evidence.**—The Revised Laws, 1905, as published under the provisions of this act shall be competent evidence of the laws therein contained in all the courts of this state without further proof or authentication. ('05 c. 185 § 5)

[5509—]4. **Same—How published.**—The Revised Laws, 1905, shall not be published otherwise than under the provisions of this act. ('05 c. 185 § 6)

### CONSTRUCTION.

#### 5511. Revision to operate as repeal, when.

**Repeal by implication.**—See *Clark v. Baxter*, 98 Minn. 256, 108 N. W. 838.

#### 5513. Rules of construction.

**Subd. 3.**—Cited and applied in *Swedback v. Olson*, 120 N. W. 753.

#### 5514. Particular words and phrases.— \* \* \*

6. *Holidays.*—The word "holiday" shall include New Year's Day, January 1; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Memorial Day, May 30; Independence Day, July 4; Labor Day, first Monday in September; election day, the first Tuesday after the first Monday in November of the even numbered years; Christmas Day, December 25; and the Friday next preceding Easter Sunday and commonly known as Good Friday. No public business shall be transacted on those days, except in cases of necessity, nor shall any civil process be served thereon. (R. L. § 5514, par. 6, as amended by Laws 1907, c. 254.)

**Historical.**—"An act to amend paragraph 6, section 5514, Revised Laws of Minnesota, 1905, and to make Good Friday a legal holiday." Approved April 19, 1907.

**Subd. 21.**—In determining whether a cause of action is barred by limitation, the day on which it accrued is excluded. *Nebola v. Minnesota Iron Co.*, 102 Minn. 89, 112 N. W. 880.

Cited and applied in *Budds v. Frey*, 104 Minn. 481, 117 N. W. 158; *Village of Excelsior v. Minneapolis & St. P. Suburban R. Co.*, 120 N. W. 526.

**Subd. 24.**—"Signature" includes a mark. *Geraghty v. Kilroy*, 103 Minn. 286, 114 N. W. 838.

Cited and applied in *Snortum v. Homme*, 106 Minn. 464, 119 N. W. 59.

#### 5515. Newspapers—Qualifications.—A newspaper in order to be qualified as a medium of official and legal publications, shall,

First—Be printed in the place from which it purports to be issued, in the English language, and in column and sheet form equivalent in space to at least four pages with five columns to the page, each seventeen and three-quarters inches long.

Second—It shall be issued at least once each week, and if a daily, at least six days in each week, from a known office, established in such place of publication and equipped with skilled workmen and the necessary material for preparing and printing the same, except in any week in which a legal holiday or Thanksgiving day is in-

cluded, not more than five issues of a daily paper shall be necessary; provided, that the presswork may be done elsewhere.

Third—Contain general and local news, comment and miscellany, not wholly duplicating any other publication, and not entirely made up of patents, plate matter and advertisements.

Fourth—Be circulated in and near its place of publication to the extent of at least two hundred and forty copies regularly delivered to paying subscribers.

And all of the foregoing conditions shall have existed for at least one year last past; provided, that suspension of publication for a period of not more than four months within said year, resulting from the destruction of its office by the elements, shall not affect the qualification of such newspaper after it shall have resumed; nor shall the consolidation of one newspaper with another published in the same county nor any change in the name or ownership thereof disqualify it or invalidate any publication continuously made therein before and after the change; and provided, further, that if there be but one newspaper published in any county the foregoing requirements as to age and number of copies circulated shall not apply. ('07 c. 3 § 1)

**Historical.**—This is section 1 of an act entitled "An act to amend section fifty-five hundred and fifteen, Revised Laws of 1905 of the State of Minnesota, relating to the qualifications of legal and official publications and newspapers," approved January 18, 1907. The act does not purport by its terms to be an amendment.

**In general.**—A weekly newspaper conforms to statutory qualifications for legal publications. *Wolfe v. City of Moorhead*, 98 Minn. 113, 107 N. W. 728. See note under section 756.

[5515—]1. **Change of day of publication.**—It shall be lawful for any legal weekly newspaper in this state to change its day of publication without losing its standing as a legal newspaper, and the publication of any legal notice affected by such change of day of publication is hereby made valid. ('05 c. 174 § 1)

**Historical.**—"An act permitting any weekly newspaper to change its day of publication without losing its standing as a legal newspaper." Approved April 14, 1905.

[5515—]2. **Omission to publish for two weeks—Curative.**—No newspaper in this state, which conforms in all respects to the statutes defining a legal newspaper, except that it was not published for two consecutive weeks at some time since it became a legal newspaper, shall be deprived of its standing as such legal newspaper by reason of such omission; but such newspaper shall be deemed to be a legal newspaper notwithstanding such omission of its publication for two consecutive weeks. ('05 c. 261 § 1)

**Historical.**—"An act to legalize newspapers in certain cases." Approved April 18, 1905.

[5515—]3. **Change of place of publication—Curative.**—No newspaper in this state, which conforms in all respects to the statutes defining a legal newspaper, except that it has changed its office and place of publication within the same county, shall be deprived of its standing as such legal newspaper by reason of such change of office or place of publication; but such newspaper shall be deemed to be a legal newspaper notwithstanding such change of office and place of publication within the same county. Provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court in this state. ('07 c. 100)

**Historical.**—"An act to legalize newspapers in certain cases." Approved April 4, 1907.

[5515—]4. **Publication on holidays, etc.—Curative.**—All newspaper publications of notices required by law to be published in le-

gal newspapers which have been published in newspapers which conformed in all respects to the statutes defining legal newspapers except that they were not issued or published on legal holidays or Thanksgiving day, or upon any day or days generally observed as holidays, or the day following either thereof be, and the same are, hereby legalized, and declared to be valid and sufficient for all purposes. ('07 c. 4 § 1)

**Historical.**—"An act to legalize certain newspaper publications." Approved January 18, 1907.

By section 2 it is provided that the provisions of the act shall not apply to or affect any action or proceeding now pending in any court in this state.

[5516—]1. Newspapers qualified prior to Revised Laws—Affidavit—Curative.—The publisher of any newspaper which was a legal newspaper on February 28th, 1906, or any person having knowledge of the facts and the existence of the conditions constituting its qualifications as such legal newspaper, may, at any time prior to July 1, 1907, make and file in the office of the county auditor of the county wherein such newspaper is printed and published, an affidavit stating that such newspaper was on February 28th, 1906, has ever since continued to be, and at the date of said affidavit was, printed and published in accordance with the laws of this state, in force and effect prior to March 1st, 1906, and thereupon the publication of all legal and official notices and matter made in such newspaper between February 28th, 1906, and the date of said affidavit in so far as the same are affected by the legal status of such newspaper, is hereby legalized and declared to be valid, and such affidavit shall be prima facie evidence of the facts constituting the qualifications and legality of such newspaper during the period from February 28th, 1906, to the date of such affidavit, and the provisions of sections 5515 and 5516, Revised Laws, 1905, notwithstanding, but this act shall not be construed as modifying any of the provisions of sections 5515 and 5516, Revised Laws, 1905, except as herein provided, and any newspaper in order to be qualified as a legal newspaper, subsequent to the making of such affidavit, shall in all respects comply with the provisions of sections 5515 and 5516, Revised Laws, 1905. The provisions of this act shall not apply to any action or proceeding now pending in any of the courts in this state. ('07 c. 463 § 1)

**Historical.**—"An act legalizing certain newspapers and legal publications therein, and providing what shall constitute evidence thereof." Approved April 25, 1907.

## CHAPTER 108.

### EXPRESS REPEAL OF EXISTING LAWS.

#### 5547. Laws not repealed.

**Special laws.**—Sp. Laws 1871, c. 73, and other special acts in reference to the board of county commissioners of Ramsey county were not repealed by the Revised Laws. "The reasons for these special provisions have not changed, and existed as fully when the Revised Laws were enacted as when the original statutes were passed. This, coupled with the fact that the Revised Laws were intended to cover only the General Statutes of the state, as shown by the act creating the revision commission, by which the commissioners were authorized to 'codify and revise the general laws,' and as further shown by the title to the act enacting the report of the commission, viz., 'An act to revise, consolidate and codify the general laws,' and the still further provisions of section 5547, \* \* \* will not permit an inference that the Legislature intended to repeal the special enactments relative to Ramsey county. It is true that the language of the new statutes on the subject of county commissioners is broad and comprehensive, providing that 'every county shall have a board of five commissioners,' and that